PIL 40/2004
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

The grievance of the petitioner in the present writ petition is against the permit /license issued in favour of Respondent No.4, namely, M/s Rama Coke Private Limited by the Respondent No.3, namely, the Director of Industries for setting up an industry in Kamarkuch, N.K. Village (Patharkuchi) on the ground that the said industry has not fulfilled the requirement of the provision of Air (Prevention and Control of Pollution) Act, 1981 and also on the ground that the industry is polluting the surrounding area.

None appears for the petitioner.

We have heard Mrs. B. Goyal, learned State counsel appearing on behalf of State respondents as well as Mr. C. Baruah, learned counsel for Respondent No. 4. None appears on behalf of Respondent No.7, though affidavit-in-opposition has been filed.

It appears from the affidavit-in-opposition filed by the Respondent No.7 that the No Objection Certificate dated 27.5.2004 has been issued by the Pollution Control Board, Assam to Respondent No.7 for setting up of a LAMC & Coke Breeze Manufacturing Unit on certain terms and condition. The Pollution Control Board, thereafter issued year-wise consent to operate the industry in question from time to time and the present consent to operate for the year 2006-07 was issued, which is valid upto 31st March, 2007. Admittedly, the industry in question is in operation.

As the main grievance of the petitioner is against the pollution alleged to be caused due to the industry, we close the present proceeding in view of the No Objection Certificate dated 27.5.04 issued by the Pollution Control Board, Assam, legality and validity of which has not been challenged in the present proceeding and also in view of the consent to operate given by the Pollution Control Board, Assam. However, the Pollution Control Board shall, as required under the law, make periodical assessment of the industry in question and in the event of coming to any finding that there is any violation of terms and conditions of the No Objection Certificate issued or the provision of the Act and the Rules framed thereunder, the Pollution Control Board shall take required action under the law. The Pollution Control Board shall, before issuing fresh consent to operate for the year 2007-08, i.e., commencing from 1st April, 2007, make further inspection of the Respondent No.7's industry and issue consent to operate only subject to fulfillment of the terms and conditions of the No Objection Certificate as well as requirement of provisions of Air (Prevention and Control of Pollution) Act, 1981 and the Rules framed thereunder.

The writ petition stands closed in terms of the aforesaid observations and directions. No costs.